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ROUND ROCK RESEARCH LLC

UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF CALIFORNIA

SANDISK CORPORATION,

Plaintiff and Counterclaim Defendant,

vs.

ROUND ROCK RESEARCH LLC,

Defendant and Counterclaim Plaintiff.

Case No. 11-cv-05243-RS

**STIPULATION AND
~~PROPOSED~~ ORDER
REGARDING HEARING DATES
FOR PENDING MOTIONS**

Pursuant to Local Rule 6-2, the parties request that the Court set a common hearing date for various substantive motions currently pending. Aside from administrative motions for leave to file under seal, the parties have six motions pending before the Court. In particular, Round Rock Research L.L.C. (“Round Rock”) has a motion for summary judgment regarding several affirmative defenses raised by SanDisk Corporation (“SanDisk”), including patent exhaustion. [See Dkt. No. 123.] SanDisk has a motion for summary judgment regarding anticipation of claims 1, 2, and 4 of U.S. Patent No. 6,383,839 (“the ’839 patent”). [See Dkt. No. 141.] SanDisk recently filed a motion for summary judgment requesting the following relief: claim 14 of U.S. Patent No. 6,570,791 (“the ’791 patent”) is anticipated, Round Rock cannot seek damages for alleged infringement of the ’791 patent before August 11, 2011, Round Rock cannot prove infringement of claim 1 of U.S. Patent No. 5,682,345 (“the ’345 patent”), SanDisk does not infringe the ’839 patent, and SanDisk’s does not infringe the ’345 patent, the ’791 patent or U.S. Patent No. 6,845,053 (“the ’053 patent”) in view of its affirmative defense of patent exhaustion. [See Dkt. No. 317.] Round Rock recently filed a motion for summary judgment seeking the following relief: SanDisk infringes claim 14 of the ’791 patent, SanDisk infringes claim 39 of the ’345 patent, SanDisk infringes claim 24 of the ’053 patent, and the “Garner” reference does not anticipate claim 24 of the ’053 patent. [See Dkt. No. 314.] Finally, SanDisk and Round Rock have each filed motions to strike certain portions different expert reports. [See Dkt. Nos. 272 and 286.]

SanDisk and Round Rock respectfully request that the Court conduct a hearing on all six motions on April 25, 2014 – the date that the Court previously set for hearings on dispositive motions in this case. [See Dkt. No. 239 (“Hearing on summary judgment motions or other pretrial motions . . . 04/25/14”).] This stipulation will not impact any of the dates set forth in the parties’ recent stipulation regarding other pre-trial submissions. [See Dkt. No. 322 (Order adopting stipulated dates).]

Dated: March 24, 2014

VINSON & ELKINS LLP

By: /s/ Chuck P. Ebertin

Chuck P. Ebertin

Attorneys for Plaintiff and Counterclaim
Defendant SANDISK CORPORATION

1 Dated: March 24, 2014

DESMARAIS LLP

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3 By: /s/ Jon T. Hohenthanner
Jon T. Hohenthanner (*admitted pro hac vice*)

4 Attorneys for Defendant and Counterclaim
5 Plaintiff ROUND ROCK RESEARCH LLC
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8 **Civil L.R. 5-1(i)**

9 I, Chuck P. Ebertin, hereby attest that Jon Hohenthanner has concurred in the filing of this
10 document.

11 By: /s/ Chuck P. Ebertin
Chuck P. Ebertin
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15 **CERTIFICATE OF SERVICE**

16 The undersigned certifies that on March 24, 2014, the foregoing document was filed with the
17 Clerk of the U. S. District Court for the Northern District of California, using the court's electronic
18 case filing system (ECF), in compliance with Civil L.R. 5-1. The ECF sends a Notice of Electronic
19 Filing (NEF) to all parties and counsel who have appeared in this action and who have consented
20 under Civil L.R. 5-1 to accept that NEF as service of this document.

21 Vinson & Elkins LLP

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23 /s/ Chuck P. Ebertin
Chuck P. Ebertin
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~~PROPOSED~~ ORDER

Pursuant to the above stipulation, the following pending motions are set for hearing on April 25, 2014: Dkt. Nos. 123 (Round Rock motion for summary judgment on several affirmative defenses), 141 (SanDisk motion for summary judgment regarding anticipation), 272 (SanDisk motion to strike portions of expert reports), 286 (Round Rock motion to strike portions of expert reports), 314 (Round Rock motion for summary judgment regarding certain infringement and validity disputes), and 317 (SanDisk's motion for summary judgment regarding exhaustion, non-infringement, damages, and invalidity).

IT IS SO ORDERED.

Dated: 3/24/14



Honorable Richard Seeborg
United States District Judge